

## REMARKS

Reconsideration is requested in view of the above amendments and the following remarks. Claim 1 has been editorially revised and further includes the feature of claim 2. Claims 2 and 3 have been canceled without prejudice. Claims 1 and 4-7 remain pending in the application.

### **Claim Rejections – 35 USC § 102**

Claims 1-4 are rejected under 35 USC § 102(b) as being anticipated by Whisson (US 5,762,632). Applicants respectfully traverse this rejection. Claim 1 has been editorially revised and further includes the feature of claim 2. Claims 2 and 3 have been canceled without prejudice. Applicants are not conceding the correctness of the rejection.

Claim 1 requires a hub that is inserted into an inner bore of a shield tube, where a needle is mounted to a front end of the hub, and an infusion tube is connected to a rear end of the hub. Claim 1 further requires that at least a part of the hub be made of a material having flexibility and that a shield tube and the hub be bendable together at least in a part of a range when a needle protrudes from a front end of the shield tube and is latched to the shield tube so as to be in a puncturing position. The present hub helps retain and position the needle inside the shield tube by holding the needle with the hub and further makes it easy to connect the needle with an infusion tube through the hub (see, e.g., page 4, lines 2-5 of the specification, among other places).

Whisson fails to disclose the hub as required by claim 1. Instead, Whisson discusses a flexible delivery tube 13 connected directly to a hollow needle 12 at one end and received within a housing 14 at the other end (Whisson, col. 2, lines 52-67).

Whisson does not disclose a structure including a hub as required by claim 1, much less the advantages that are enjoyed by the present invention, e.g., helping retain and position a needle inside a shield tube and connecting the needle with an infusion tube. For at least these reasons, claim 1 is patentable over Whisson. Claim 4 depends from claim 1 and is patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

### **Claim Rejections – 35 USC § 103**

Claims 1-7 are rejected under 35 USC § 103(a) as being unpatentable over Teraoka (EP 1 048 311) in view of Whisson. Applicants respectfully traverse this rejection. Claim 1 has been editorially revised and further includes the feature of claim 2. Claims 2 and 3 have been canceled without prejudice. Applicants are not conceding the correctness of the rejection.

Claim 1 requires a shield tube and a hub to be bendable together at least in a part of a range when a needle protrudes from a front end of the shield tube and is latched to the shield tube so as to be in a puncturing position. The present hub helps retain and position the needle inside the shield tube by holding the needle with the hub and further makes it easy to connect the needle with an infusion tube through the hub (see, e.g., page 4, lines 2-5 of the specification, among other places). The bendable feature of the shield tube and the hub allows the medical needle device to be bent at a position that is sufficiently close to the needle, when the needle protrudes from a front end of the shield tube and is inserted in the patient's body, as shown, for example, in Fig. 1. Thus, when an additional needle is to be inserted near the place where the present needle is inserted, the shield tube can be bent to allow the rest of the needle device to be moved away so that the additional needle can be easily inserted (see, e.g., page 4, lines 2-8 of the specification, among other places).

The present record fails to teach or suggest a shield tube and the hub to be bendable together at least in a part of a range when a needle protrudes from a front end of the shield tube and is latched to the shield tube so as to be in a puncturing position, as required by claim 1. In particular, Whisson fails to teach or suggest a hub as required by claim 1, much less a hub that is bendable at least in a part of a range with a shield tube. There is no reason in the record to modify the flexible delivery tube 13 of Whisson to a hub in the manner required by claim 1.

For at least these reasons, claim 1 is patentable over Teraoka in view of Whisson. Claims 4-7 depend ultimately from claim 1 and are patentable along with claim 1 and

need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

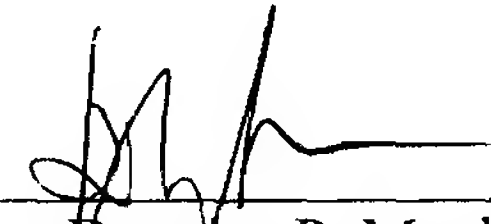
In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612) 455-3804.



Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &  
LARSON, P.C.  
P.O. Box 2902-0902  
Minneapolis, MN 55402-0902  
(612) 455-3800

Dated: January 8, 2009

By:   
Douglas P. Mueller  
Reg. No. 30,300

DPM/cy